

REMARKS

Claims 1-22 are pending in the above-referenced application. The abstract of the disclosure stands objected to, and claims 1-22 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. Claims 1-22 stand rejected under 35 U.S.C. 112, second paragraph, for indefiniteness, the objection and rejections alleged for failing to define the term "clearinghouse". Claims 1-3 and 16-22 stand rejected under Section 103 as being unpatentable over Bezos et al. (U.S. Pat. No. 6,029,141). Claims 4-10 stand rejected under Section 103 as being unpatentable over Bezos et al. further in view of Gupta (U.S. Pat. No. 6,487,538). Claims 13-15 stand rejected under Section 103 as being unpatentable over Bezos et al. further in view of Tobin (U.S. Pat. No. 6,141,666).

With respect to the objection to the abstract of the disclosure and the rejections under Section 112 regarding the term "clearinghouse", applicant asserts that such term as known in the related art as "clearinghouse" is a generic name for an information distribution system utilizing electronic information distribution media such as the Internet. A related term "clearinghouse node" refers to a system for retrieving and providing (meta-) data that is structured for the purpose of meeting requests of general users who should retrieve and provide information on metadata. The database of metadata is prepared by organizations or entities, participating in the clearinghouse, which also describe individually subject matters of the data being maintained by them. The clearinghouse, as a whole, is set up through systematic combination of each clearinghouse node using the Internet or other appropriate means. Furthermore, "clearinghouse" language was originally recited in the claims as filed, as well as the abstract of the disclosure, that lexicography being imputed to the entirety of the pending application.

The present invention is directed to an interactive computer system and method that identifies customers who are perusing product and service information at an affiliate site, and provides an intelligent framing protocol tailored to selected subject matter, providing an open-architecture "shopping mall" network by which the customer is provided with exposure to complementary products and services in a looped-back feedback system. The feedback system is based on banner clicks assessed by the clearinghouse which tracks subsequent consumer information including sales and/or visits based on other prior sales and/or visits as well as through analysis of banner-based leads to subsequent sales. According to the invention, this open-architecture feedback system thus pays out an affiliate sales commission only upon the event of an approved action, such as an affiliate-linked sale based on the click-throughs by the customer during his/her surfing through a plurality of affiliated sites, such payout being split among the affiliated sites according to a payment formula. Web-site sales by affiliates are related back to the initiating affiliate link provided on the intelligent frame, providing a return-loop system for rewarding the initiating affiliate site with a portion of the sales commission, unlike the prior art which is arranged in a linear manner with only a 1-to-1 relationship with the initiating web site vendor.

As noted in the Abstract, the system connects a customer to a selected merchant site and

to a "clearinghouse" site which frames the customer's view, the frame also listing other sites selected by the "clearinghouse" site as of possible interest to the customer. Revenue (both sales revenue and commission revenue) is generated as a function of purchases made by end users "customers" during visits to the "clearinghouse" site. Accordingly, applicant respectfully requests retraction of the objection to the abstract of the disclosure and rejection of the claims under Section 112, first and second paragraphs, as the contested term is indeed fully enabled according to established terminology in the related art.

The prior art cited and applied against the claims of record simply do not anticipate, motivate or render obvious any of the claims of record as amended or added as presented herein. To further patentably distinguish over the applied and cited art of record, independent claims 1 and 16 have been amended to recite that when the customer is transported to another site, related information includes feedback to the initiating web site vendor on a 1-to-1 basis. The patent to Bezos et al. (U.S. Pat. No. 6,029,141) is directed to a one-to-one affiliate-to-affiliate relationship, whereby affiliates can earn revenue only from an affiliate in a fixed relationship. In contrast, the present invention is directed to a method by which an affiliate can earn revenue from different merchants without limit, thereby expanding without limitation the universe of available merchant-customer relationships without limitation of any fixed 1-to-1 relationship. Accordingly, the Bezos et al. patent does not and cannot render obvious the present claimed invention as it simply does not provide any suggestion or motivation to achieve the present claimed invention, which by design encourages a return-loop system to earlier referring affiliates who are ultimately financially rewarded for associating with a downstream referring affiliate from which the user purchases goods or services. Accordingly, Bezos et al. does not and cannot render obvious the invention as now claimed and the Examiner is respectfully solicited to so find.

U.S. Pat. No. U.S. Pat. No. 6,487,538 to Gupta as applied in combination with Bezos et al to claims 4-10 also fails to provide any suggestion or motivation that renders the claimed invention obvious. Gupta provides payment options, but provides no suggestion to provide any such options in network, open-looped manner of the present invention as claimed.

U.S. Pat. No. U.S. Pat. No. 6,141,666 to Tobin as applied in combination with Bezos et al to claims 13-15 also fails to provide any suggestion or motivation that renders the claimed invention obvious. Tobin tracks order processing, but provides no suggestion to provide any such options in network, open-looped manner of the present invention as claimed. Accordingly, since the open affiliate network system is not suggested or motivated to achieve the present claimed invention, the prior art references of Gupta and Tobin do not and cannot render obvious the invention as now claimed and the Examiner is respectfully solicited to so find.

Independent claims 1 and 16 have thus been amended as described above to provide clarifying language without further limitation, defining and reciting the present invention with necessary particularity, and for the reasons provided above they and their dependent claims are believed to define over the cited and applied art of record and the Examiner is respectfully

In view of the amendments to the claims, and the foregoing remarks, it is believed that all claims, and the application, are in condition for allowance. Reconsideration and retraction of the rejections and objections and issuance of a Notice of Allowance is respectfully requested. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

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Date

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